

REMARKS/ARGUMENTS

In Response to the Office Action dated October 6, 2008, Applicant respectfully requests reconsideration.

Allowable Subject Matter

Applicant thanks the Examiner for allowing claims 99-101.

Specification Amendment

The instant amendment adds a priority claim to U.S. National Phase Application No. 10/509,434, filed September 28, 2004, which claims priority under 35 USC §371 to Application No. PCT/GB03/01367, filed March, 28, 2003, and to United Kingdom Application No. 02073823, filed March 28, 2002, all of which are incorporated by reference in their entireties.

Claim Rejections Under 35 U.S.C. §112

Claim 52 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claim 52 has been canceled rendering the rejection moot.

Claim Rejections Under 35 U.S.C. §103

Claims 52-62, 68, 70-73 and 97-98 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,826,432 (Ledbetter) in view of U.S. Pat. No. 5,952,842 (Fujimoto) and further in view of U.S. Pat. No. 5,949,646 (Lee). Claim 64 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ledbetter in view of Fujimoto and Lee and further in view of U.S. Pat. No. 6,104,003 (Jones). Claims 65-66 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ledbetter in view of Fujimoto and Lee and further in view of U.S.

Appl. No. 10/509,434
Amdt. dated December 4, 2008
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 3749

PATENT

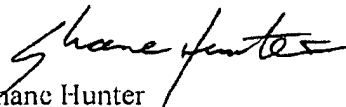
Pat. No. 3,387,648 (Ward). Claim 67 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ledbetter in view of Fujimoto and Lee and further in view of U.S. Pat. No. 6,302,147 (Rose). Claims 76-78 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ledbetter in view of Fujimoto and Lee and further in view of Applicant's admitted prior art FIG. 1. The Office Action did not address claims 74 and 75. Applicant has canceled claim 52 and reserves the right to pursue the subject matter in a continuing application without any prejudicial effect. Applicant has amended the claims such that claims 53-62, 68, 70-73 and 97-98 depend, directly or indirectly, from allowed independent claim 99. Thus, claims 53-62, 68, 70-73 and 97-98 are allowable at least because they depend from allowed independent claim 99.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,


Shane Hunter
Reg. No. 41,858

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 858-350-6100
Fax: 415-576-0300
Attachments
SIH:jll
61694240 v1